Washington State Department of Transportation
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February 4, 2009

Mr. Pete Jilek
Federal Highway Administration
711 S Capitol Way Ste 501
Olympia, WA 98501

Re: SR520 Variable Tolling Project

Dear Mr. Jilek:

The Washington State Department of Transportation (WSDOT) is proposing to install two-way tolling with variable pricing along SR520 at approximately milepost 4 in King County, Washington (T25N, R5E, Section 24; WRIA 8; HUC 171100120302)(Figures 1 & 2). The project would reduce peak period congestion on SR520 by implementing a tolling system which would divert traffic to alternate routes, times, modes, and/or eliminate trips. Tolls will be collected using an electronic tolling collection system constructed on the bridge deck. WSDOT has prepared this no effects letter in response to proposed, threatened, and endangered species listed by the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) as having the potential to be in the proposed project vicinity during construction.

Project Description
The project will install tolling equipment on the eastern end of the bridge either on the existing truss structure or on a separate set of gantries near the truss structure. Tolling equipment includes overhead signs on the bridge in each direction of travel, an overhead automobile detection device, antennas and other equipment that will read in-vehicle transponders, video cameras over each lane to capture license plate images, and either visible or infrared lighting. Roadside concrete pads with controller cabinets will be located on the east side of the lake just south of SR 520 in WSDOT right-of-way.

Construction activities include clearing and grading areas adjacent to the highway where the tolling controller equipment will be located; constructing the concrete pad on which the equipment will be mounted; constructing the maintenance driveway to access the roadside equipment; trenching the south side right of way to install conduit; and installing lighting, cameras, and transponder readers overhead on the truss structure over each lane. Work is anticipated to begin in mid-2010 and last approximately six months.

In addition to the preferred tolling location (Option 1), a location in the center of the bridge for all tolling equipment is being considered (Option 2)(Figure 2).

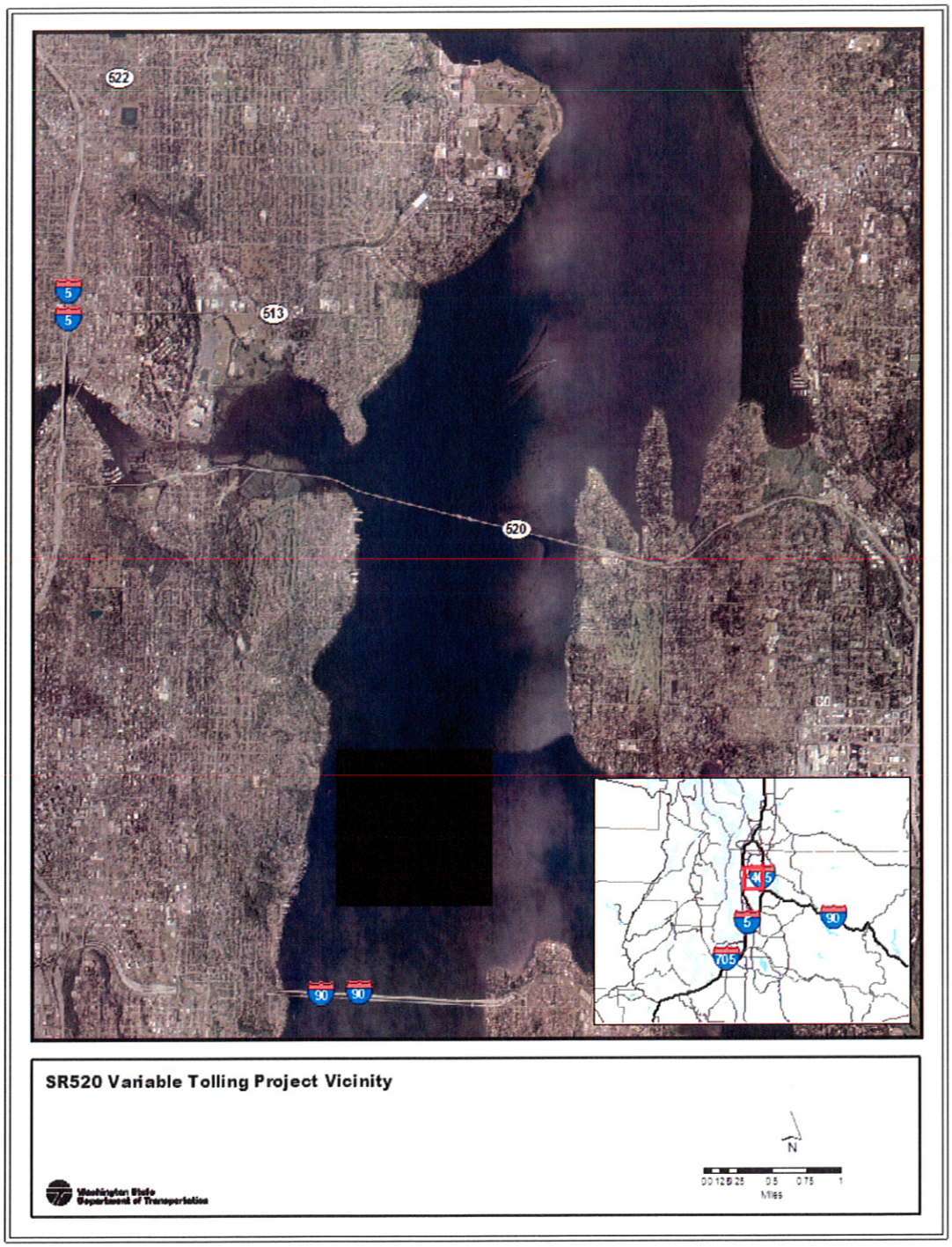

Figure 1. SR 520 Variable Tolling Project Vicinity

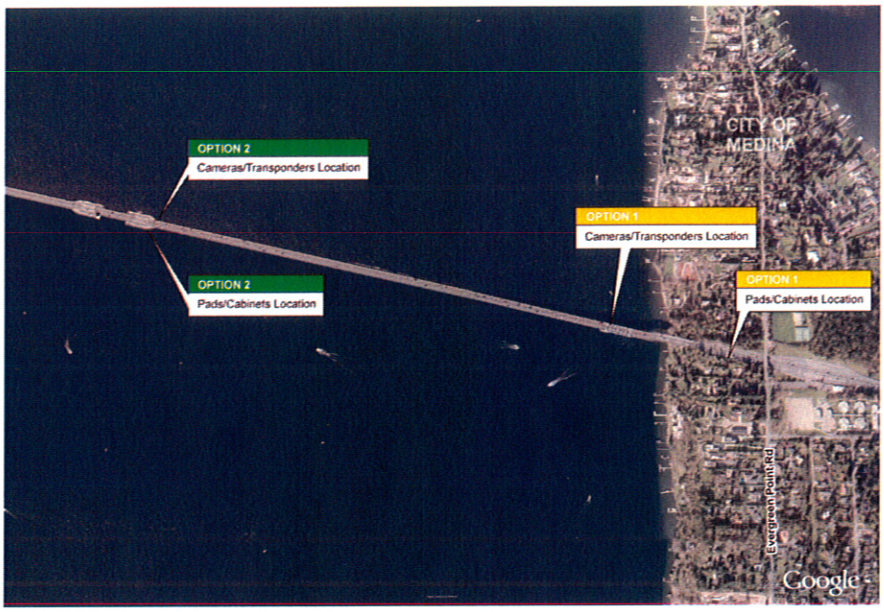

Figure 2. Tolling equipment location options

Best management practices and minimization measures

The following BMPs and minimization measures will be implemented to avoid and minimize potential impacts during project activities:

- Tarps, nets, or other devices will be in place during any over water work to prevent debris or other material from falling into the water;
- Power lines, power boxes, and monitoring equipment will be supported by existing structures;
- A temporary erosion and sediment control plan will be developed to prevent erosion;
- The project will have no wetland or other sensitive area impacts;
- Only maintained roadside vegetation will be cleared for the project. Any temporarily cleared areas will be revegetated with native vegetation upon project completion.

Existing conditions

The project will occur along the existing SR520 corridor across Lake Washington. The shoreline is developed with residential structures along most of its length, and most of the shoreline has been armored and lacks natural vegetation. Vegetation in the project vicinity consists of landscaped grass/shrub areas with some large trees. Ambient noise levels are high (~86 dBA) due to traffic volumes associated with SR520.

Action area

The project component with the greatest extent of impact is noise generated by

construction equipment. Construction noise is expected to be less than highway noise; therefore the action area and project footprint are the same.

Species occurrence and critical habitat designations

The NMFS website lists the presence of Puget Sound Evolutionarily Significant Unit (ESU) Chinook salmon (*Oncorhynchus tshawytscha*) and Puget Sound Distinct Population Segment (DPS) steelhead trout (*Oncorhynchus mykiss*) in the project vicinity. The USFWS King County species listing lists the presence of Coastal-Puget Sound DPS bull trout (*Salvelinus confluentus*). All three species have been documented in Lake Washington, which is also designated critical habitat for both Puget Sound Chinook salmon and Coastal-Puget Sound bull trout. The possible presence of listed species was further evaluated by reviewing Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) database, which lists all three species as occurring in Lake Washington. Websites and PHS data were accessed on January 27, 2009.

A WSDOT biologist visited the project area on January 26th, 2009 to determine the status and availability of suitable habitat for listed species in the action area and to evaluate any potential impacts of the proposed project.

Puget Sound ESU Chinook Critical Habitat

Critical habitat for Puget Sound Chinook was designated on January 2, 2006. The designation includes areas containing the physical and biological habitat features, or primary constituent elements (PCEs), essential for the conservation of the species or which require special management considerations. All of Lake Washington is designated as Puget Sound ESU Chinook critical habitat.

Coastal-Puget Sound Bull Trout Critical Habitat

The rule designating critical habitat for bull trout became effective on October 26, 2005. For an area to be included as critical habitat it has to provide one or more of the following functions for bull trout: (1) spawning, rearing, foraging, or over-wintering habitat to support essential existing bull trout local populations; (2) movement corridors necessary for maintaining essential migratory life history forms; and/or (3) suitable habitat that is considered essential for recovering existing local populations that have declined or that need to be re-established to achieve recovery. Lake Washington is also designated bull trout critical habitat.

Effects analysis and determinations

Construction will be limited to the bridge deck and will not have in-water impacts. The operation of gantries, including transponder readers and video cameras will create a new over-water lighting source that will operate 24-hours a day. At the location of the preferred option the bridge deck is approximately 60 feet above the water's surface, while at option 2 the bridge deck is approximately 6 feet above the water's surface. Existing roadway lighting is currently immediately east and west of the truss structure. Lighting from the video cameras will be activated by passing vehicles and will be at a low intensity to avoid startling or distracting drivers. While fish do respond to lighting, these lights will be activated when vehicles pass by and the effects on ambient light levels will

be indistinguishable from lights associated with passing vehicles. Since lights will be directed towards the road deck, it is anticipated that little light from the video cameras will reach the surrounding environment, and will therefore not affect fish.

The project involves no in-water work, no impacts to water bodies, and no vegetation clearing and will therefore have **no effect** on Puget Sound ESU Chinook, Puget Sound DPS steelhead, or Coast-Puget Sound DPS bull trout.

The project involves no in-water work or impacts to water bodies in the action area; therefore this project will have **no effect** on Chinook or bull trout critical habitat.

Essential Fish Habitat (EFH)
The Pacific Fishery Management Council manages the fisheries for Chinook, coho, and Puget Sound pink salmon and has defined EFH for these species to include all those streams, lakes, ponds, wetlands, and other water bodies currently or historically accessible to salmon in Washington. Lake Washington is considered EFH but the project will not have any impacts to the lake; therefore, this project will **not adversely affect** Essential Fish Habitat for the Pacific Salmon Fishery.

Conclusions
WSDOT has determined that the SR520 Variable Tolling Project will have no effect on Puget Sound ESU Chinook salmon, Puget Sound DPS steelhead, or Coastal-Puget Sound DPS bull trout. Additionally, the project will have no effect on Chinook salmon or bull trout critical habitat and no adverse effect on Essential Fish habitat for the Pacific Salmon Fishery.

Project components that support this determination include:

- The project involves no in-water work or impacts to water bodies;
- There will be no wetland or sensitive area impacts; and
- Ambient noise and disturbance levels within the action area are high.

It is our understanding that this satisfies WSDOT's responsibilities under Section 7(a)(2) of the Endangered Species Act. We will continue to remain aware of any change in status of these species and will be prepared to re-evaluate potential project impacts, if necessary.

Please contact George Ritchotte by phone at (206) 464-1210 or by email at ritchog@wsdot.wa.gov f you require additional information or have any questions.

Sincerely,

Michelle Steinmetz

Michelle Steinmetz
Biology Program Manager for the Urban Corridors Office

cc: Paul Krueger, UCO